In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 13892 of 2006

Date of Decision: 13.11.2006

Raj Kalan …Petitioner

Versus

State of Haryana and others …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Kirti Kumar, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner has prayed for issuance of direction to the respondents to accord protection to her pay as equivalent to other corporations being drawn, with further prayer for quashing order dated 14.12.2005 (P-6) declining the benefit of protection of pay has also been made. According to order dated 14.12.2005, the petitioner was retrenched from service on account of losses suffered by the respondent Corporation, namely, Haryana Agro Industrial Corporation Limited in the year 1988, in terms of Section 25F of the Industrial Disputes Act, 1947. She was paid her one month's pay in lieu of notice period and retrenchment compensation as stipulated in the Industrial Disputes Act, 1947. According to the impugned order the principle of seniority, namely, 'last come first go' was also strictly kept in view. She had challenged her retrenchment by filing C.W.P.

No. 9007 of 1988, which was dismissed on 8.12.2004. Some other employees had also gone to the Supreme Court in the year 1991 and the SLP filed by them was also dismissed. She was re-employed under Section 25H of the Industrial Disputes Act, 1947 on 15.4.1993 to which she consented that it will be deemed to be as fresh appointment as Clerk. The order further stipulates that no retrenched employee who has been taken back in service under Section 25H had been given the benefit of past service and like the petitioner all were given fresh appointments.

Having heard the learned counsel, we are of the considered view that the writ petition is wholly devoid of merit. The benefit of earlier service from 1982 to 1988 for the purposes of re-employment in the year 1993 would not be admissible to the petitioner once she has accepted the appointment under Section 25H as a fresh appointee. Nothing has been shown to us nor any provision has been quoted under which such a claim could be made. Even otherwise, the re-employment has been accepted in the year 1993 and such an old matter cannot be raised after 13 years. There is no explanation for approaching the Court after such a huge delay. There is, thus, no merit in the petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 13, 2006 **JUDGE**

Pkapoor